

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201908570	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/30/2019 4:14 PM	Location of Incident: § 87(2)(b)	Precinct: 66	18 Mo. SOL 2/28/2021	EO SOL 10/15/2021	
Date/Time CV Reported Fri, 09/27/2019 7:58 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 09/27/2019 7:58 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Tearle Connell	1053	932484	NARCBBS
2. DT2 Shante Terrell	04424	929243	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Christophe Galvez	3482	948740	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Shante Terrell	Force: Detective Shante Terrell used physical force against § 87(2)(b)	§ 87(2)(b)
B.DT2 Shante Terrell	Abuse: An officer refused to provide his name to § 87(2)(b)	§ 87(2)(b)
C.DT2 Shante Terrell	Abuse: An officer refused to provide his name to § 87(2)(b) Unknown.	§ 87(2)(b)
D.DT2 Shante Terrell	Abuse: Detective Shante Terrell refused to provide his name to § 87(2)(b)	§ 87(2)(b)
E.DT2 Shante Terrell	Abuse: Detective Shante Terrell refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
F.DT2 Shante Terrell	Abuse: Detective Shante Terrell refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
G.DT2 Shante Terrell	Abuse: Detective Shante Terrell failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
H.DT3 Tearle Connell	Abuse: Detective Tearle Connell failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

## Case Summary

On September 27, 2019, § 87(2)(b) filed this complaint online via the CCRB's website.

On August 30, 2019, at approximately 4:14 p.m., § 87(2)(b) walked southeast down § 87(2)(b) towards his residence, § 87(2)(b). As § 87(2)(b) approached the residence, Detective Tearle Connell and Detective Shante Terrell from the Brooklyn South Narcotics Bureau approached § 87(2)(b). Det. Connell requested § 87(2)(b)'s ID, and after a brief physical interaction, Det. Terrell punched § 87(2)(b) in the face (**Allegation A: Force**, § 87(2)(g)). § 87(2)(b) suffered a laceration that required stitches to the left side of his face as a result of Det. Terrell's strike.

§ 87(2)(b) and his home attendant, who he could only identify as § 87(2)(b), exited the house. § 87(2)(b) asked for Det. Connell's name and shield number, he recalled that Det. Connell showed him his shield, but did not recall if Det. Connell verbally responded with his name (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) requested Det. Terrell's name and shield number at least once, Det. Terrell did not respond at all to these requests (**Allegations C and E: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) allegedly requested a business card from each officer, neither officer provided § 87(2)(b) with a business card (**Allegations G and H: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was arrested regarding this incident and was released the same day.

The investigation did not recover any body-worn camera footage regarding this incident. § 87(2)(b) provided videos taken on cell phones to the investigation (Board Review 21 and Board Review 22; summaries of footage linked to Board Review 13 and 23).

## Findings and Recommendations

### Allegation (A) Force: Detective Shante Terrell used physical force against § 87(2)(b)

§ 87(2)(b) testified that on August 30, 2019, at approximately 4:14 p.m., he walked southeast § 87(2)(b) in Brooklyn. § 87(2)(b) is a multi-story single-family home, with a staircase leading from the street up to the entrance of the house. There is a gate that opens via a latch, the gate is approximately 3 feet high, with a fence extending beyond both. § 87(2)(b) walked towards his gate, then leaned over and unlatched the gate. As he did this, Detective Connell crossed § 87(2)(b) and approached him. When Det. Connell was several feet from § 87(2)(b) he asked § 87(2)(b) "You got ID?" § 87(2)(b) did not respond. Det. Connell, who was standing on § 87(2)(b)'s left side, grabbed § 87(2)(b)'s left arm with his left arm. § 87(2)(b) pulled away by pulling his left arm back. Det. Connell pulled on § 87(2)(b)'s left arm, turning § 87(2)(b) around to face Det. Connell, who then grabbed § 87(2)(b)'s right arm as well. Det. Connell had one of his hands on each of § 87(2)(b)'s wrists. Det. Terrell then approached § 87(2)(b) and punched him on the left side of his face, striking him on his cheek. § 87(2)(b) stated that he did not know that Det. Connell and Det. Terrell were police officers. In a follow-up statement over the phone to the CCRB, § 87(2)(b) stated he attempted to pull away from Det. Terrell by attempting to pull his arms out of Det. Terrell's grasp. § 87(2)(b) sat down on his stoop as a result of getting punched in the face (BR01).

According to medical records generated at § 87(2)(b), § 87(2)(b) suffered a two-centimeter laceration under his left eye. A registered nurse, § 87(2)(b), under the supervision of

§ 87(2)(b), repaired the injury using sutures and local anesthetic. Contemporaneously, § 87(2)(b) stated he did not suffer from dizziness and did not lose consciousness as a result of being punched. § 87(2)(b) contemporaneously stated he was not suffering from ongoing pain as a result of his injury (BR17, Privileged).

§ 87(2)(b) testified that he did not observe any portion of the physical engagement. He observed two males identified by the investigation as Det. Connell and Det. Terrell standing close to § 87(2)(b) and believed that, due to their physical proximity to § 87(2)(b) they were attempting to rob him. He proceeded downstairs and outside of the house. When he got outside, he observed § 87(2)(b) was handcuffed and bleeding. Det. Terrell and Det. Connell stated they were police officers. § 87(2)(b) did not discuss how § 87(2)(b) had become injured with the officers (BR15).

The investigation did not obtain statements from § 87(2)(b) or § 87(2)(b).

The investigation recovered video evidence regarding this incident, provided by § 87(2)(b) (Board Review 21 and Board Review 22). This video did not capture the alleged incident.

Det. Connell testified that on August 30, 2019, Det. Connell was a component of an observation team assigned to observe the neighborhood and react if they observed criminal activity. At approximately 4:00 p.m., Det. Connell was riding in the passenger side of the leader car of a buy and bust team when he observed § 87(2)(b) smoking marijuana, and then observed him enter a park with an unidentified individual. Det. Connell exited the vehicle and followed § 87(2)(b) on foot where he observed the unknown individual hand § 87(2)(b) money for an item. Det. Connell communicated his observation via radio to other officers. Det. Connell pulled his shield out of his pocket and held it in his hand. Det. Connell stated he was a police officer and instructed § 87(2)(b) not to move and put his shield back into his pocket. § 87(2)(b) jerked his body back from Det. Connell and raised his arms. Det. Connell grabbed each one § 87(2)(b)'s wrists with one of his hands. § 87(2)(b) pulled his arms away from Det. Connell, and freed one of his hands. Det. Connell did not recall which arm § 87(2)(b) freed. Det. Connell told § 87(2)(b) not to resist and that he was a police officer. He attempted to strike Det. Connell with a closed fist. Det. Connell avoided the strike. Det. Connell kept his grip on one of § 87(2)(b)'s wrists. Det. Terrell was behind Det. Connell, as Det. Terrell was following Det. Terrell. Det. Connell was physically engaged with § 87(2)(b) for a few seconds before Det. Terrell approached. Immediately after Det. Connell avoided § 87(2)(b)'s hand strike, Det. Terrell punched § 87(2)(b) on the left side of his cheek. § 87(2)(b) fell down. The detectives lifted § 87(2)(b) up and Det. Terrell handcuffed § 87(2)(b). § 87(2)(b) was bleeding profusely from a laceration on his left cheek (BR05).

Det. Terrell testified that Det. Connell exited the vehicle and followed § 87(2)(b) into the park. Det. Terrell looped around the park. § 87(2)(b) and the other individual exited the park. Det. Connell followed § 87(2)(b). At the corner of § 87(2)(b), § 87(2)(b) proceeded down § 87(2)(b) followed by Det. Connell. Det. Terrell followed Det. Connell. Det. Terrell estimated he was two car lengths behind Det. Connell. § 87(2)(b) stopped at § 87(2)(b), and Det. Connell approached § 87(2)(b). Det. Terrell did not hear the conversation between them. Det. Connell pulled an object out of his pocket. Det. Terrell believed this was Det. Connell's shield, but did not specifically observe what the item was. § 87(2)(b) jumped back from Det. Connell and raised his arms. § 87(2)(b)'s fists were closed when he raised his arms. Det. Connell grabbed § 87(2)(b)'s hands or wrists. § 87(2)(b) jerked his body back from Det. Connell and freed one of his hands. § 87(2)(b) swung one of his fists at Det. Connell, Det. Terrell did not recall which fist. Det. Terrell had begun to move towards where Det. Connell and § 87(2)(b) were interacting. Det. Connell partially obstructed Det. Terrell's view of the interaction, and Det. Terrell could not see if any object was in either of § 87(2)(b)'s hands. Det. Terrell swung his left fist at § 87(2)(b)'s face. Det. Terrell's fist

struck § 87(2)(b) on his left cheek. § 87(2)(b) fell down and landed on his posterior. § 87(2)(b) was bleeding from a laceration to his left cheek. Det. Terrell then placed § 87(2)(b) in handcuffs. Due to the distance and positioning of Det. Connell and § 87(2)(b) Det. Terrell stated he did not believe he had the time to deploy alternative force options. The only option Det. Terrell had available to him was to reach over Det. Connell and attempt to grab § 87(2)(b)'s hand, Det. Terrell stated this was not tactically optimal. Additionally, Det. Terrell stated he perceived § 87(2)(b)'s actions as actively resisting arrest. At the prompting of counsel at 11:22 minutes, Det. Terrell stated that § 87(2)(b) raising his arms and clenching his fists would be considered a "fighting stance." Det. Terrell, at the prompting of counsel at 17:58, stated that § 87(2)(b) was considered "under arrest" at the time Det. Connell physically engaged him. § 87(2)(b) was dazed and compliant after Det. Terrell punched him (BR06).

§ 87(2)(b) was charged with § 87(2)(a) 160.50. The Brooklyn District Attorney declined to prosecute § 87(2)(b)'s arrest and the arrest was sealed (BR18, BR19).

TRI# § 87(2)(b) was generated as a result of the physical force. The TRI reflects that Det. Terrell suffered a contusion, minor swelling, substantial pain, and a sprain to his left hand. An ISAR was generated as well. These documents are consistent with officer testimony regarding the actions taken by § 87(2)(b) and Det. Terrell (BR03, BR04).

NYPD Patrol Guide Procedure 221-01 governs uniformed members of service use of force. In determining whether a use of force is reasonable, members of service must consider the following factors: the nature and severity of the crime and circumstances, the actions taken by the subject, the duration of the actions taken by the subject, the immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, the number of subjects compared to the number of members of service, the size, age, and condition of the subject compared to the members of service, the subject's violent history, if known, the presence of a hostile crowd or agitators, and if the subject is apparently under the influence of a stimulant or narcotic which would affect pain tolerance or increase the likelihood of violence (BR09).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

**Allegation (B) Abuse of Authority: Detective Tearle Connell refused to provide his name to**

§ 87(2)(b)

**Allegation (C) Abuse of Authority: Detective Shante Terrell refused to provide his name to § 87(2)(b)**

**Allegation (D) Abuse of Authority: Detective Shante Terrell refused to provide his name to § 87(2)(b) Unknown.**

**Allegation (E) Abuse of Authority: Detective Shante Terrell refused to provide his shield number to § 87(2)(b)**

**Allegation (F) Abuse of Authority: Detective Shante Terrell refused to provide his shield number to § 87(2)(b)**

**Allegation (G) Abuse of Authority: Detective Shante Terrell refused to provide a business card to § 87(2)(b)**

**Allegation (H) Abuse of Authority: Detective Tearle Connell refused to provide a business card to § 87(2)(b)**

In his CCRB testimony, § 87(2)(b) stated that he asked for Det. Connell's name and shield number, he recalled that Det. Connell showed him his shield, but did not recall if Det. Connell verbally responded with his name. § 87(2)(b) and § 87(2)(b) requested Det. Connell's name and shield number at least once each, Det. Connell may have responded verbally to these requests, and § 87(2)(b) or § 87(2)(b) took a picture of Det. Connell's shield. § 87(2)(b) and § 87(2)(b) also requested Det. Terrell's name and shield number at least once, Det. Terrell did not respond at all to these requests. § 87(2)(b) requested a business card from each officer, neither officer provided § 87(2)(b) with a business card (BR01).

§ 87(2)(b) testified in his in-person interview that no one specifically asked for any officer's name, shield number, or requested any business card (BR15). § 87(2)(g) testimony he provided over the phone, where he stated that he had asked for officers' names (BR14).

Detective Connell testified to the CCRB that seconds after Det. Terrell punched § 87(2)(b) two people exited the residence and approached the detectives. § 87(2)(b) asked what the officers were doing there and who they were. Det. Connell informed § 87(2)(b) they were police officers. Det. Connell stated that someone asked to see his shield at that point, and that he took his shield out of his pocket and showed it to whoever asked to see it. Det. Connell also verbally stated his name and shield number. Det. Terrell verbally provided his name and shield number. Det. Connell did not observe anyone write anything down (BR05).

Det. Terrell's testimony was consistent with Det. Connell's. Det. Terrell added that he also verbally provided his name and shield number to any civilian who asked (BR06).

Video footage provided by § 87(2)(b) does not capture anyone asking the officers for their names or shield numbers (BR08, BR13).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR08).
- Detective Terrell has been a member of service for eighteen years and has been the subject of eight CCRB cases and 25 allegations, of which seven were substantiated.
  - CCRB Case No. 201003780 involved substantiated allegations of Abuse of Authority – Premises Entered; Stop; and Search of a Person against Det. Terrell. The board recommended charges, the NYPD imposed instructions.
  - CCRB Case No. 201500715 involved substantiated allegations of force and substantiated allegations of abuse of authority – vehicle stop and vehicle search against Det. Terrell. The Board recommended command discipline B and the NYPD imposed command discipline B.
  - § 87(2)(g)
- Detective Connell has been a member of service for sixteen years and has been the subject of fourteen CCRB cases and 36 allegations, none of which have been substantiated. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- Due to § 87(2)(b)'s injury, this case was ineligible for mediation.
  - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On April 29, 2020, the Office of the New York City Comptroller responded to the CCRB's FOIL request stating that the office had not received any notices of claim regarding this incident (BR20).

Squad No.: 12

Investigator: Zachary Herman  
Signature

Investigator Zachary Herman  
Print Title & Name

06/29/2020  
Date

Reviewer: \_\_\_\_\_

Signature                      Print Title & Name                      Date